

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Subject Device: A Blue Samsung Galaxy S10, more
fully described in Attachment A.

Case No. MJ23-151

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Subject Device: A Blue Samsung Galaxy S10, more fully described in Attachment A.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 U.S.C. §§ 841(a)(1), 841(b)(1)(B),
21 U.S.C. § 841(b)(1)(C)
18 U.S.C. §§ 924(c)(1)(A)(i), 922(g)(1)

Offense Description

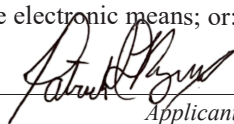
Possession with Intent to Distribute a Controlled Substance
Possession of a Firearm in Furtherance of a Drug Trafficking Crime
Unlawful Possession of Firearms

The application is based on these facts:

- ☒ See Affidavit of Special Agent Patrick D. Ryan, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.



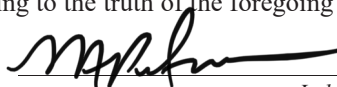
Applicant's signature

Patrick D. Ryan, Special Agent (HSI)

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 4/4/2023



Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge

Printed name and title

Attachment A

Property to be Searched

The SUBJECT DEVICE is described as follows: a **blue Samsung Galaxy S10 cellular phone** currently in the custody of Homeland Security Investigations in Seattle, Washington.

Attachment B

Items to be Seized

Evidence, fruits, and instrumentalities of violations of: Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) Possession with Intent to Distribute a Controlled Substance, Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), and Title 18, United States Code, Section 922(g)(1) Unlawful Possession of Firearms, as well as attempt or conspiracy to commit such offenses, committed on January 15, 2023:

1. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
2. Stored lists of recent received, sent, or missed calls on January 15, 2023;
3. Stored contact information;
4. For the date of December 1, 2022 through January 15, 2023, for the following: stored photographs and videos of narcotics; stored photographs and videos which relate to customers and their identifying information; stored photographs and videos which relate to the sources, amounts, types, payments for, and prices of drugs; and stored photographs or videos that show the user of the phone and/or suspected co-conspirators;
5. For the date of December 1, 2022, through January 15, 2023, for the following: stored text messages related to the aforementioned crimes of investigation, including Apple iMessages, SnapChat, or text messages, or other similar messaging services or applications where the data is stored on the telephones; and
6. Evidence of who used, owned, or controlled the digital device or other electronic storage media at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user

1 profiles, email, email contacts, “chat,” instant messaging logs, photographs,
2 and correspondence;

3
4 As used above, the terms “records” and “information” include all of the foregoing
5 items of evidence in whatever form and by whatever means they may have been created
6 or stored, including any form of computer or electronic storage (such as flash memory or
7 other media that can store data) and any photographic form, including emails,
8 photographs, text messages, information contained in applications or “apps,” and
9 calendar entries.

10 This warrant authorizes a review of electronic storage media and electronically stored
11 information seized or copied pursuant to this warrant in order to locate evidence, fruits,
12 and instrumentalities described in this warrant. The review of this electronic data may be
13 conducted by any government personnel assisting in the investigation, who may include,
14 in addition to law enforcement officers and agents, attorneys for the government, attorney
15 support staff, and technical experts. Pursuant to this warrant, DEA may deliver a
16 complete copy of the seized or copied electronic data to the custody and control of
17 attorneys for the government and their support staff for their independent review.

18 THE SEIZURE OF DIGITAL DEVICES OR OTHER ELECTRONIC STORAGE
19 MEDIA AND/OR THEIR COMPONENTS AS SET FORTH HEREIN IS
20 SPECIFICALLY AUTHORIZED BY THIS SEARCH WARRANT, NOT ONLY TO
21 THE EXTENT THAT SUCH DIGITAL DEVICES OR OTHER ELECTRONIC
22 STORAGE MEDIA CONSTITUTE INSTRUMENTALITIES OF THE CRIMINAL
23 ACTIVITY DESCRIBED ABOVE, BUT ALSO FOR THE PURPOSE OF THE
24 CONDUCTING OFF-SITE EXAMINATIONS OF THEIR CONTENTS FOR
25 EVIDENCE, INSTRUMENTALITIES, OR FRUITS OF THE AFOREMENTIONED
26 CRIMES.
27

AFFIDAVIT

STATE OF WASHINGTON)

) ss

COUNTY OF KING)

I, Patrick D. Ryan, a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), Seattle, Washington, having been duly sworn, state as follows:

AFFIANT BACKGROUND

1. I am a “law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), who is empowered by law to conduct investigations of, and to make arrests for, offences enumerated in Title 18, United States Code, Section 2516. I am employed as a Special Agent (SA) with the United States Department of Homeland Security, Homeland Security Investigations (HSI). I have served with HSI since April 2009 and am currently assigned to HSI Seattle’s Narcotics and Bulk Cash Smuggling investigative group as a criminal investigator. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia, where I received training on how to investigate violations of laws relating to controlled substances and prepare and execute search and arrest warrants. Prior to my current assignment, I was assigned to the human trafficking/human smuggling investigative group of HSI, where I identified and investigated the means and tactics used by human smugglers and traffickers to transport and conceal humans.

2. I also worked as a Deputy Sheriff for the Douglas County Sheriff’s Office in Minden, Nevada from 2002 to 2009. My duties included, among other things, identifying vehicle traffic likely to be transporting contraband based on driver behavior and vehicle condition.

1 3. Prior to working as a Deputy Sheriff, I was an enlisted member of the
2 United States Coast Guard for nearly ten years, where I conducted various law
3 enforcement-related tasks such as commercial fisheries enforcement, narcotics
4 interdiction, recreational boating safety, and maritime search and rescue. For three of my
5 ten years in the Coast Guard, I was part of a seven-person tactical team that focused on
6 boarding private and commercial vessels in accordance with United States Law and
7 searching those vessels for contraband using techniques designed to identify and access
8 hidden compartments and other methods of concealment.

9 4. I was also involved in United Nations sanction enforcement. In that role, I
10 searched vessels for weapons in the Persian Gulf employing techniques designed to
11 locate and identify concealed foreign military weapons or weapon components affixed to
12 non-military or industrial heavy equipment, or foreign military components disguised to
13 look like civilian industrial equipment.

14 5. During the course of my employment with HSI, I have participated in the
15 investigation of numerous cases relating to narcotics trafficking and smuggling. My
16 training and experience in narcotics enforcement has included the identification of
17 narcotics, including cocaine, methamphetamine, heroin, MDMA (“ecstasy”) and the
18 investigation of persons in possession of narcotics for purposes of sales and
19 transportation, as well as persons conspiring to transport and sell narcotics. I dialogue
20 regularly with narcotics investigators at the federal, state, and local level, sellers of
21 narcotics, and informants regarding the manner in which sellers of narcotics store, sell,
22 and transport narcotics.

23 6. I make this affidavit in support of this search warrant based both on
24 personal knowledge and on information I have obtained from a review of official reports
25 prepared by other law enforcement officers and/or discussions with those officers.
26 Because this affidavit is made for the limited purpose of establishing probable cause to
27

1 support the application for a search warrant, it does not contain all of my knowledge
2 regarding the surrounding circumstances.

3 INTRODUCTION AND PURPOSE OF AFFIDAVIT

4 7. This affidavit is submitted for the limited purpose of establishing probable
5 cause to search a **blue Samsung Galaxy S10 cellular phone (hereafter SUBJECT**
6 **DEVICE)** which is currently in the custody of the HSI Evidence Custodian in Seattle,
7 Washington.

8 8. As set forth below, there is probable cause to believe that the SUBJECT
9 DEVICE contains evidence, fruits and instrumentalities of the following crimes: Title
10 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) Possession with
11 Intent to Distribute a Controlled Substance, Possession of a Firearm in Furtherance of a
12 Drug Trafficking Crime in violation of Title 18, United States Code, Section
13 924(c)(1)(A)(i), and Title 18, United States Code, Section 922(g)(1) Unlawful Possession
14 of Firearms, as well as attempt or conspiracy to commit such offenses (hereinafter the
15 "TARGET OFFENSES") as further described in Attachment B, attached hereto and
16 incorporated by this reference.

17 SUMMARY OF PROBABLE CAUSE

18 9. Seattle Police Department Detective Melody Rios conducted an
19 investigation into PEDRO FERNANDEZ KENT under incident number 2023-14396
20 following a series of domestic violence incidents that culminated with KENT's arrest as
21 described herein. The domestic violence incidents involved victim A.R. (hereafter
22 VICTIM). KENT and VICTIM were short-term roommates for approximately two
23 months and briefly dated that timeframe.

24 10. On January 15, 2023, Seattle Police Officers Hay and Carter working patrol
25 in a fully marked Seattle Police Department patrol vehicle within the City limits of
26 Seattle, when they were dispatched to the address located on Evanston Avenue North to
27 investigate a domestic violence threats call. Enroute to the residence, Officer Carter

1 called VICTIM to assuage her fears should KENT observe the patrol car arrive because
2 VICTIM expressed belief KENT would kill her if she called the police based upon his
3 threat to do so. VICTIM explained having first met KENT approximately two months
4 earlier at a gas station in the Greenwood neighborhood. She described spending time
5 with KENT thereafter. On several occasions the two engaged in consensual kissing.
6 VICTIM explained having suffered several hardships throughout 2022, causing her to
7 relapse and admitted purchasing cocaine from KENT.

8 11. VICTIM described experiencing a series of domestic violence assaults
9 perpetrated by KENT over the course of the two months. One occasion occurred a few
10 days prior to New Year's Eve when KENT was at VICTIM's home. VICTIM described
11 KENT took issue with the way VICTIM's friend looked at the VICTIM. After the friend
12 left the residence, KENT pulled a handgun from his waistband, pointed the handgun at
13 VICTIM, and stated, "Watch yourself. I'm not afraid to kill you." KENT then threw
14 VICTIM against a dresser, smashing and knocking over items, and hit VICTIM in the
15 head with a firearm severely cutting her lip.

16 12. VICTIM described another incident which occurred over New Year's Eve
17 weekend. VICTIM offered KENT a place to stay for three days during the period of the
18 week where she did not have custody of her daughter provided KENT assist with rent. On
19 December 30, 2022, VICTIM explained she informed KENT he was beginning to
20 overstay his welcome. VICTIM described KENT "flipped out," refused to leave, and
21 stated the residence was his and VICTIM was "his" as well. When VICTIM informed
22 KENT she would call the police, KENT pulled a handgun from his waistband and
23 pointed the handgun at her head while saying, "Bitch. I will kill you." KENT then
24 slapped VICTIM in the face with an openhand fist.

25 13. VICTIM explained the next incident occurred between January 1, 2023,
26 through January 2, 2022, when KENT was VICTIM's residence. VICTIM reported
27 KENT received a phone call from an unknown subject then proceeded to go through

1 personal belongings, including what VICTIM thought was possibly narcotics located in a
2 tin can. VICTIM suspected the phone call was a narcotic transaction as she was aware
3 that KENT sold narcotics and kept the narcotics in his backpack. When VICTIM
4 requested KENT not engage in drug trafficking at her residence, KENT responded, "I
5 will burn your house down" and ordered her not to call the police. KENT then grabbed a
6 rifle from a chair in the living room and hit a television with the rifle, shattering it. KENT
7 then punched a hole in a second television before grabbing VICTIM's keys and leaving.
8 VICTIM did not report these crimes to the police.

9 14. On January 15, 2023, at approximately 1015 hours, VICTIM explained
10 KENT returned to her house, banged on the front door, wiggled the front doorknob, and
11 said, "Bitch. Let me get my stuff." VICTIM did not answer her door, but replied that her
12 kids were home, and he needed to leave. KENT responded, "You fucking bitch. You are
13 going to get what's coming to you. I'm going to fuck you up." VICTIM reported KENT
14 then left the front door entry and sat in his vehicle in the driveway for approximately
15 fifteen minutes. At approximately 1155 hours, KENT's brother called VICTIM
16 requesting she return KENT's belongings. VICTIM explained that she did not want to
17 return the belongings as KENT owed her money for damaging her residence.

18 15. VICTIM stated she was afraid for her safety due to KENT's possession and
19 use of firearms. VICTIM disclosed KENT always carried a firearm and had access to a
20 handgun and two rifles. VICTIM then disclosed she was previously in an assaultive
21 domestic relationship for over twenty years. She did not call police during or after the
22 above detailed incidents due to being in fear for her life and explained only having
23 gathered the courage to call after speaking to a co-worker, who encouraged her to do so
24 after observing VICTIM's injuries. During the phone call with Officer Carter, VICTIM
25 broke down crying.

26 16. After the completion of the phone call, Officer Hay and Officer Carter
27 drove past VICTIM's residence to ensure KENT and his registered vehicle, a distinctive

1 red Mustang with a black convertible top were not there. While driving westbound on
2 North 105 Street near Dayton Avenue North, Officer Hay observed KENT driving his
3 Mustang eastbound past their patrol vehicle (just a few blocks from VICTIM's residence
4 and closing the distance). The officers turned around and followed KENT and activated
5 the emergency lights and chirped their patrol vehicle's emergency sirens to command
6 KENT to pull over. Instead, KENT accelerated at a high rate through neighborhood
7 streets. At the intersection of North 97 Street and Linden Avenue North, KENT drove
8 toward oncoming traffic and around the wrong side of a roundabout. At the intersection
9 of Fremont Avenue North and North 97 Street, KENT drove through a stop sign, then
10 drove to the left of a roundabout (i.e. the wrong side) and clipped two curbs. This caused
11 one of KENT's tires to flatten and blow out. At the intersection of North 97 Street and
12 Evanston Avenue North, KENT's vehicle slowed and KENT fled from the Mustang
13 leaving the car in the intersection. As KENT ran southbound on Evanston Avenue North
14 he reached his right hand to the rear and down toward his waistband and grabbed a silver
15 handgun. KENT then ran southbound with the handgun in his right hand as captured from
16 fleet camera footage depicted in *Figure 1* below.



Figure 1

1 17. KENT quickly turned his head around his right shoulder toward Officers
2 Hay and Carter driving south in their patrol vehicle and raised the firearm back towards
3 the officers before fleeing. Numerous officers from around the city arrived on-scene and
4 set up containment around the area. Witnesses JG and MG (WITNESSES) called 9-1-1 to
5 report a suspect was in their backyard. Officers contained the property while the K-9
6 track progressed. KENT was located in the WITNESSES backyard, was arrested without
7 incident, and booked into the King County Jail.

8 18. The canine located a dark colored sweatshirt matching the sweatshirt that
9 KENT was seen wearing while fleeing his vehicle in the WITNESSES driveway. A silver
10 Ruger 9mm serial #30210376 was wrapped in the black sweatshirt that was less than 50
11 feet away from KENT's arrest location. The firearm was loaded with four live 9mm
12 ammunition rounds, including two hollow-point rounds. Notably, the firearm was also in
13 a malfunctioned state with a possible "double feed" of rounds, having two rounds inside
14 of the chamber. The Ruger matched the handgun Officer Carter observed KENT point at
15 himself and Officer Hay. *Figure 2* below depicts the scene layout.



Figure 2

19. A blue Samsung Galaxy S10 cellphone (SUBJECT DEVICE) was located by Seattle Police officers along the path between where KENT fled from his Mustang and the location where officers recovered the Ruger 9mm as depicted in *Figure 3* below.



Figure 3

20. Officers seized KENT's Mustang and towed it to a secured police parking lot pending a search warrant. On January 17, 2023, a King County Superior Court search warrant was authorized. The following items of evidence were located and are depicted in *Figure 4* below:

- US Carbine Rifle, Israel Arms International, Model 888, Serial number: 200405, found in trunk;
- Empty magazine inserted in rifle;

- 1 • 7 rounds of .38 special ammunition, 1 Hornady round, 6 ammo Inc. rounds,
located center console;
- 2 • 6 rounds of 9mm, Luger X-treme hollow point, found in the cupholder;
- 3 • Dagger in sheath, found behind driver's seat;
- 4 • Folding knife, found in driver door;
- 5 • Suboxone, found in driver door;
- 6 • Hatchet, found behind driver's seat;
- 7 • KENT's Washington State Driver's License, found in small pouch in the backpack
on the driver's seat;
- 8 • KENT's casino card, found in the center console;
- 9 • Digital scale, found behind passenger seat;
- 10 • Digital scale, found in the front pouch in the backpack on the driver's seat;
- 11 • Small plastic baggies for narcotic packaging and distribution, in the laptop pouch
of the backpack on the front driver's seat;
- 12 • 0.5 grams of suspected cocaine, located in front pouch of backpack on driver's
seat; and
- 13 • Front pouch of black bag on front driver floorboard, found with the following
narcotics field tested by Officer Hay:
 - 14 ○ 19.7 grams of cocaine;
 - 15 ○ 7.6 grams of heroin;
 - 16 ○ 58.5 grams of methamphetamines;
 - 17 ○ 31.2 grams of Xanax;
 - 18 ○ 3 M30 pills among marijuana;
 - 19 ○ 33.2 grams of marijuana;
 - 20 ○ 122.9 grams of M30 pills; and
 - 21 ○ 27.2 grams of methamphetamines.

22 //

23 //



Figure 4

21. I reviewed KENT's criminal history. Based upon my review of criminal history records, I have determined that KENT has been convicted of multiple felonies rendering him ineligible to possess a firearm, including most recently: (1) Residential Burglary, Theft of a Motor Vehicle, Assault in the Second Degree, and Taking a Motor Vehicle in King County Superior Court under case number 16-1-05638-1 on 06/09/2017; and (2) Trafficking in Stolen Property in King County Superior Court under case number 12-1-04091-1 on 10/04/2012.

22. On February 22, 2023, Bureau of Alcohol, Tobacco, Firearms and Explosives SA Catherine Cole, a certified Interstate Firearms and Ammunition Nexus Expert, who has been trained in the recognition of firearms and ammunition and their origin of manufacture, reviewed photographs of a US Carbine Rifle, Israel Arms International, Model 888 and a Ruger 9mm handgun. SA Cole determined that the firearms were not manufactured in the State of Washington. Based upon her experience, knowledge, and research, it is also SA Cole's opinion that the above-listed firearms meet the definition of a firearm under Title 18, United States Code, Section 921(a)(3).

23. On March 8, 2023, a Grand Jury in the Western District of Washington returned and Indictment charging KENT for violations of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) Possession with Intent to Distribute a Controlled Substance, Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), and Title 18, United States Code, Section 922(g)(1) Unlawful Possession of Firearms.

TECHNICAL TERMS

24. Based on my training and experience, I use the following technical terms to convey the following meanings:

a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional “land line” telephones. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.

c. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24

NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

d. IP Address: An Internet Protocol address (or simply "IP address") is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

e. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

25. I know based on my own training, experience, and research, that the SUBJECT DEVICE has capabilities that allow it to serve as a wireless telephone, digital camera, and/or GPS navigation device. In my training and experience, examining data stored on devices such as the SUBJECT DEVICE can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

**DIGITAL DEVICES AS INSTRUMENTALITIES OF THE CRIMES OF
DISTRUBUTION OF AND POSSESSION WITH INTENT TO DISTRIBUTE
CONTROLLED SUBSTANCES, UNLAWFUL POSSESSION OF FIREARMS
AND POSSESSION OF FIREARMS IN FURTHERANCE OF DRUG
TRAFFICKING**

26. I know from training and experience that people own cellular telephones and smartphones for the purpose of being able to use them wherever they are, and as such carry them virtually constantly, or are nearly always within the near vicinity of their cell phones and/or portable devices. People often use smartphones to communicate with their

1 associates and will sometimes store associates contact or identity information in contact
2 lists, speed dial lists, or other areas of the phone. The communications can occur in many
3 ways, including through typical cellular phone calls, instant messaging, text messages,
4 SMS communications, chat sessions, email and social networking websites. I know that
5 people use cellular phones to document and share information about their activities
6 through phone calls, email, text messages, instant messages, SMS communications,
7 photographs, videos, notes, and digital or voice memos that depict, discuss, or identify
8 crime scenes, contraband, proceeds, victims, accomplices, or other evidence. Some of
9 these communications are directed to another person or persons. Others are posted and
10 shared more publicly, as happens with chat sessions and social networking websites.

11 27. Smartphone users can also use their phones for calendar items, web surfing,
12 and obtaining directions to locations. A cellular telephone typically stores, without action
13 by the user, evidence of this use and activity of the phone in its memory and other
14 onboard or external storage such as SIM card or Micro SD card, as well as information,
15 such as call logs, address books, messages sent and received, images, audio and video
16 files, personal calendars, documents, as well as IP addresses (unique numeric identifiers
17 assigned when a device accesses the internet) and profiles for wireless networks to which
18 they have been connected using wired or Wi-Fi connectivity, which include location as
19 well as internet activity information (files viewed via the internet are typically
20 automatically downloaded onto a computer). These evidentiary records, communications,
21 and images can be retrieved from a cellular telephone, and will also often indicate the
22 date, time, and physical location at which the activity occurred (cell site data and/or GPS
23 coordinates for the phone). As such, a person's use of the phone will reveal where a
24 person has been at particular dates and times relevant to the crimes under investigation in
25 this case, a person's activity at relevant dates and times, and/or places where a person
26 frequents at which that person is likely to be found for arrest or at which the suspect
27 stored or inadvertently left evidence behind.

1 28. I also know, based on my training and experience, that individuals engaged
2 in criminal activity will often use cellular phones to take photographs of themselves with
3 contraband. They will then send those pictures via MMS, email, or other electronic
4 means to their associates, and/or post said pictures on social media such as Facebook,
5 Snapchat, Instagram, and similar sites. From cell phones and social media sites, I have
6 frequently seen and recovered photographs that depict suspects (including prohibited
7 suspects) displaying and/or contraband.

8 29. Drug traffickers use cellular telephones as a tool or instrumentality in
9 committing their criminal activity. They use them to maintain contact with their
10 suppliers, distributors, and customers. They prefer cellular telephones because, first, they
11 can be purchased without the location and personal information that land lines require.
12 Second, they can be easily carried to permit the user maximum flexibility in meeting
13 associates, avoiding police surveillance, and traveling to obtain or distribute drugs and/or
14 firearms. Third, they can be passed between members of a conspiracy to allow
15 substitution when one member is unavailable or incapacitated.

16 30. Since cellular phone use became widespread, all or nearly all drug dealers I
17 have contacted have used one or more cellular telephones for his or her drug business. I
18 also know that it is common for drug traffickers to retain in their possession phones they
19 previously used, but have discontinued using, for their drug trafficking business. Notably,
20 the VICTIM reported observing KENT using a cellular device while engaging in drug
21 trafficking as described above, in addition to having purchased cocaine from KENT.

22 31. In addition, I also know that prohibited persons, such as KENT, cannot
23 legally acquire firearms from a firearms dealer due to the legal requirement for a
24 background check. Accordingly, prohibited persons, such as KENT, will instead acquire
25 the firearms from other individuals. Evidence of their negotiations for the purchase and
26 sale of illicit firearms, in the form of text messages and/or other messaging applications,
27 can and often are found on cell phones possessed by suspects. I have personally had the

1 experience of searching, or causing others to search, cell phones seized during firearms
2 cases and found communications evidencing the acquisition and possession of firearms.

3 32. Based on my training and experience, the data maintained in a cellular
4 telephone used by a drug trafficker and prohibited persons is evidence of a crime or
5 crimes. This includes the following:

6 a. The assigned number to the cellular telephone (known as the
7 mobile directory number or MDN), and the identifying telephone serial number
8 (Electronic Serial Number, or ESN), (Mobile Identification Number, or MIN),
9 (International Mobile Subscriber Identity, or IMSI), or (International Mobile Equipment
10 Identity, or IMEI) are important evidence because they reveal the service provider,
11 allow law enforcement to obtain subscriber information, and uniquely identify the
12 telephone. This information can be used to obtain toll records, to identify contacts by
13 this telephone with other cellular telephones used by co-conspirators, to identify other
14 telephones used by the same subscriber or purchased as part of a package, and to confirm
15 if the telephone was contacted by a cooperating source.

16 b. The stored list of recent received, missed, and sent calls is important
17 evidence. It identifies telephones recently in contact with the telephone user. This is
18 valuable information in a drug investigation because it will identify telephones used by
19 other members of the organization, such as suppliers, distributors and customers, and it
20 confirms the date and time of contacts. If the user is under surveillance, it identifies what
21 number he called during or around the time of a drug transaction or surveilled meeting.
22 Even if a contact involves a telephone user not part of the conspiracy, the information is
23 helpful (and thus is evidence) because it leads to friends and associates of the user who
24 can identify the user, help locate the user, and provide information about the user.
25 Identifying a defendant's law-abiding friends is often just as useful as identifying his
26 drug-trafficking associates.

27 c. Stored text messages are important evidence, similar to stored
28 numbers. Agents can identify both drug associates, and friends of the user who likely
29 have helpful information about the user, his location, and his activities.

30 d. Photographs on a cellular telephone are evidence because they help
31 identify the user, either through his or her own picture, or through pictures of friends,
32 family, and associates that can identify the user. Pictures also identify associates likely to
33 be members of the trafficking organization. Also, digital photos often have embedded
34 "geocode" or GPS information embedded in them. Geocode information is typically the
35 longitude and latitude where the photo was taken. Showing where the photo was taken
36 can have evidentiary value. This location information is helpful because, for example, it
37

1 can show where coconspirators meet, where they travel, and where assets might be
2 located.

3 e. Stored address records are important evidence because they show the
4 user's close associates and family members, and they contain names and nicknames
5 connected to phone numbers that can be used to identify suspects.

6 **ELECTRONIC STORAGE AND FORENSIC ANALYSIS FOR THE CRIMES OF**
7 **DISTRUBUTION OF AND POSSESSION WITH INTENT TO DISTRIBUTE**
8 **CONTROLLED SUBSTANCES, UNLAWFUL POSSESSION OF FIREARMS,**
9 **POSSESSION OF A FIREARM IN FURTHERANCE OF DRUG TRAFFICKING**
10 **CRIMES**

11 33. Based on my knowledge, training, and experience, I know that electronic
12 devices can store information for long periods of time. Similarly, things that have been
13 viewed via the Internet are typically stored for some period of time on the device used to
14 access the Internet. This information can sometimes be recovered with forensic tools.

15 34. *Forensic evidence.* As further described in Attachment B, this application
16 seeks permission to locate not only electronically stored information that might serve as
17 direct evidence of the crime described on the warrant, but also forensic evidence that
18 establishes how the SUBJECT DEVICE was used, the purpose of its use, who used it,
19 and when. There is probable cause to believe that this forensic electronic evidence might
20 be on the SUBJECT DEVICE because:

21 a. Data on the storage medium can provide evidence of a file that was
22 once on the storage medium but has since been deleted or edited, or of a deleted portion
23 of a file (such as a paragraph that has been deleted from a word processing file).

24 b. Forensic evidence on a device can also indicate who has used or
25 controlled the device. This "user attribution" evidence is analogous to the search for
26 "indicia of occupancy" while executing a search warrant at a residence.

27 c. A person with appropriate familiarity with how an electronic device
works may, after examining this forensic evidence in its proper context, be able to draw
conclusions about how electronic devices were used, the purpose of their use, who used
them, and when.

d. The process of identifying the exact electronically stored information on a storage medium that is necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.

e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

35. *Manner of execution.* Because this warrant seeks only permission to examine devices already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

SEARCH AND/OR SEIZURE OF DIGITAL DEVICE

36. Based on the foregoing, and consistent with Rule 41(e)(2)(B) of the Federal Rules of Criminal Procedure, the warrant I am applying for will permit imaging or otherwise copying all data contained on the SUBJECT DEVICE, and will specifically authorize a review of the media or information consistent with the warrant.

37. In accordance with the information in this affidavit, law enforcement personnel will execute the search of the SUBJECT DEVICE seized pursuant to this warrant as follows:

a. *Securing the Data.* In order to examine the ESI in a forensically sound manner, law enforcement personnel with appropriate expertise will attempt to produce a complete forensic image, if possible and appropriate, of the Device.¹ Law

¹ The purpose of using specially trained computer forensic examiners to conduct the imaging of digital devices or other electronic storage media is to ensure the integrity of the evidence and to follow proper, forensically sound, scientific procedures. When the investigative agent is a trained computer forensic examiner, it is not always necessary to separate these duties. Computer forensic examiners often work closely with investigative personnel to assist investigators in their search for digital evidence. Computer forensic examiners are needed because they generally have technological expertise that investigative agents do not possess. Computer forensic examiners, however, often lack the factual and

1 enforcement will only create an image of or extract data physically present on or within
2 the Device. Creating an image of or extracting data from the Device will not result in
3 access to any data physically located elsewhere. However, devices that have previously
4 connected to devices at other locations may contain data from those other locations.

5 b. *Searching the Forensic Data.* Searching the forensic data for the
6 item described in Attachment B may require a range of data analysis techniques. In some
7 cases, it is possible for agents and analysts to conduct carefully targeted searches that can
8 locate evidence without requiring a time-consuming manual search through unrelated
9 materials that may be commingled with criminal evidence. In other cases, however, such
10 techniques may not yield the evidence described in the warrant, and law enforcement
11 may need to conduct more extensive searches to locate evidence that falls within the
12 scope of the warrant. The search techniques that will be used will be only those
13 methodologies, techniques and protocols as may reasonably be expected to find, identify,
14 segregate and/or duplicate the items authorized to be seized pursuant to Attachment B to
15 this affidavit.

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27 investigative expertise that an investigative agent may possess on any given case. Therefore, it is often
important that computer forensic examiners and investigative personnel work closely together.

CONCLUSION

38. Based on the information set forth herein, there is probable cause to believe the property described in Attachment A contains evidence, instrumentalities, and/or fruits of violations of the TARGET OFFENSES, to wit: Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) Possession with Intent to Distribute a Controlled Substance, Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), and Title 18, United States Code, Section 922(g)(1) Unlawful Possession of Firearms, as well as attempt or conspiracy to commit such offenses, as further described in Attachment B.


 PATRICK D. RYAN, Affiant
 Special Agent, HSI

SUBSCRIBED AND SWORN before me this 4th day of April, 2023


 THE HON. MICHELLE L. PETERSON
 United States Magistrate Judge

Attachment A

Property to be Searched

The SUBJECT DEVICE is described as follows: a **blue Samsung Galaxy S10 cellular phone** currently in the custody of Homeland Security Investigations in Seattle, Washington.

Attachment B

Items to be Seized

Evidence, fruits, and instrumentalities of violations of: Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) Possession with Intent to Distribute a Controlled Substance, Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), and Title 18, United States Code, Section 922(g)(1) Unlawful Possession of Firearms, as well as attempt or conspiracy to commit such offenses, committed on January 15, 2023:

1. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
2. Stored lists of recent received, sent, or missed calls on January 15, 2023;
3. Stored contact information;
4. For the date of December 1, 2022 through January 15, 2023, for the following: stored photographs and videos of narcotics; stored photographs and videos which relate to customers and their identifying information; stored photographs and videos which relate to the sources, amounts, types, payments for, and prices of drugs; and stored photographs or videos that show the user of the phone and/or suspected co-conspirators;
5. For the date of December 1, 2022, through January 15, 2023, for the following: stored text messages related to the aforementioned crimes of investigation, including Apple iMessages, SnapChat, or text messages, or other similar messaging services or applications where the data is stored on the telephones; and
6. Evidence of who used, owned, or controlled the digital device or other electronic storage media at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user

1 profiles, email, email contacts, “chat,” instant messaging logs, photographs,
2 and correspondence;

3
4 As used above, the terms “records” and “information” include all of the foregoing
5 items of evidence in whatever form and by whatever means they may have been created
6 or stored, including any form of computer or electronic storage (such as flash memory or
7 other media that can store data) and any photographic form, including emails,
8 photographs, text messages, information contained in applications or “apps,” and
9 calendar entries.

10 This warrant authorizes a review of electronic storage media and electronically stored
11 information seized or copied pursuant to this warrant in order to locate evidence, fruits,
12 and instrumentalities described in this warrant. The review of this electronic data may be
13 conducted by any government personnel assisting in the investigation, who may include,
14 in addition to law enforcement officers and agents, attorneys for the government, attorney
15 support staff, and technical experts. Pursuant to this warrant, DEA may deliver a
16 complete copy of the seized or copied electronic data to the custody and control of
17 attorneys for the government and their support staff for their independent review.

18 THE SEIZURE OF DIGITAL DEVICES OR OTHER ELECTRONIC STORAGE
19 MEDIA AND/OR THEIR COMPONENTS AS SET FORTH HEREIN IS
20 SPECIFICALLY AUTHORIZED BY THIS SEARCH WARRANT, NOT ONLY TO
21 THE EXTENT THAT SUCH DIGITAL DEVICES OR OTHER ELECTRONIC
22 STORAGE MEDIA CONSTITUTE INSTRUMENTALITIES OF THE CRIMINAL
23 ACTIVITY DESCRIBED ABOVE, BUT ALSO FOR THE PURPOSE OF THE
24 CONDUCTING OFF-SITE EXAMINATIONS OF THEIR CONTENTS FOR
25 EVIDENCE, INSTRUMENTALITIES, OR FRUITS OF THE AFOREMENTIONED
26 CRIMES.
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